

# DAVID BERMAN

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To: FEDERAL COMMUNICATIONS COMMISSION  
RE: MERGER OF SIRIUS AND XM SATELLITE RADIO CORPORATIONS

Thank you for requesting public comments on this issue.

Both my wife and I have Sirius radios in our automobiles, and enjoy the programming and value this service has to offer us. We also have CD players in those same automobiles. And finally, we both have iPods with installed connectivity to the car players readily available. Although we have these choices available, we likely listen to satellite radio about 75% of the time collectively.

If the satellite radio cost were to expand to a price point that was unacceptable to us, or beyond our perception of its value, I am fairly certain we would readily switch to an alternative source for entertainment such as iPod, terrestrial radio, CD's, or perhaps someday an IP radio device. I am nearly certain that a rudimentary investigation into the market would show that those consumers who can afford and learn to use satellite radio are consumers with financial and technical wherewithal to have choices in entertainment! The point is that while we are quite satisfied with our existing service and the price and value it delivers, we are also happy to let the forces of the market prevail rather than have the FCC or government interfere. In my opinion, there is no real upside to restricting the merger of these two businesses. If a monopoly were to raise price beyond the perceived value, there are many options for consumers to consider.

Conversely, if the merger of these two licensors brings about more programming alternatives in the combined resources of the two, we could actually be even happier consumers than we already are. Further, if the combination of companies lowers their cost structure, perhaps they will extend such savings to the consumer in either the form of enhanced, more diverse, or expanded services, or simply by lowering the ongoing price. I would be happier to have one satellite radio corporation holding the license agreements with all professional sport organizations. I would be happier if one company provided all services, such as not to influence or restrict my purchase of another vehicle. And, I would be much happier if one satellite radio business could hold a stronger negotiating position to bring new and interesting programming to their airwaves at lower costs, without competing with each other. This could actually be of more benefit to the consumer than restricting the proposed merger.

I find it interesting that it was completely unnecessary for the FCC to fine or punish Imus - the advertisers who paid his way saw to his demise as a consequence for his unacceptable attitudes.

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Likewise, there's no need for the FCC to regulate satellite radio at this point in time - those who want to pay the asking price will do so, and those who do not want to pay it won't.

I hope the requested merger of these businesses is allowed.

Sincerely yours,  
[David Berman](#)

/dpb